

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIASTEVEN DEAN PARKS,
Plaintiff,

No. C-12-6018 EMC (pr)

v.

ORDER OF DISMISSALBULMARO CHAVEZ,
Defendant.

Steven Dean Parks, an inmate at San Quentin State Prison, filed a *pro se* civil rights complaint under 42 U.S.C. § 1983 against Defendant Bulmaro Chavez, an engineer on the prison staff for allegedly falsifying a CDC 128-A counseling chrono that documented minor inmate misconduct, and imposed no discipline. Upon reviewing the complaint pursuant to 28 U.S.C. § 1915A, the Court issued an order discussing several deficiencies in the complaint and dismissing it with leave to amend. Mr. Parks then filed an amended complaint, which is now before the Court for review pursuant to 28 U.S.C. § 1915A.


The amended complaint fails to cure the deficiencies of the original complaint. The amended complaint does not state a claim for a due process violation based on the allegedly false counseling chrono that defendant wrote. As the Court explained in the order of dismissal with leave to amend, to allege a cognizable due process claim, Mr. Parks had to allege facts showing that the falsification of the counseling chrono caused the imposition of an atypical and significant hardship or inevitably affected the duration of Mr. Parks' confinement. In his amended complaint, Mr. Parks alleges that the presence of the counseling chrono in his central file will work to his detriment in his

1 parole consideration. However, as the Court explained in the order of dismissal with leave to
2 amend, the possible effect of a report of prison misconduct on later parole consideration is simply
3 too speculative to meet the *Sandin* test for a protected liberty interest. *See* Docket # 4 at 4-5 (citing
4 *Sandin v. Conner*, 515 U.S. 472, 487 (1995)). The due process claim must be dismissed. The
5 amended complaint also fails to allege a cognizable claim for a violation of any of Mr. Parks' other
6 constitutional rights.

7 For the foregoing reasons, this action is **DISMISSED** because the amended complaint fails
8 to state a claim upon which relief may be granted. The Clerk shall close the file.

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10 IT IS SO ORDERED.

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12 Dated: October 9, 2013

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EDWARD M. CHEN
United States District Judge